

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAMON WOODALL,

Plaintiff,

v.

GEORGE MALOOF, et al.,

Defendants.

Case No. 2:11-cv-00377-MMD-RJJ

ORDER ADOPTING REPORT
AND RECOMMENDATION
(dkt. no. 10)

Before this Court is the Report and Recommendation of the United States Magistrate Judge (dkt. no. 10), entered by the Honorable Robert J. Johnston regarding Plaintiff Damon Woodall's failure to file an amended complaint pursuant to the deadlines ordered during a July 26, 2011, hearing before the Magistrate Judge. (Dkt. no. 8.) No objection was filed by Plaintiff. This matter was referred to the undersigned for consideration.

The Court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B)–(C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Johnston should be accepted and adopted in whole. Mr. Woodall has failed to file an amended complaint on or before August 26, 2011, as ordered by Judge Johnston at the July 26, 2011, hearing on Mr. Woodall's application for *in forma pauperis* status. (See dkt. no. 8.) Mr. Woodall and Judge Johnston expressed some doubt as to the validity of the complaint, and Mr. Woodall was ordered to file an amended complaint after consulting with attorneys as to

1 the viability of his claims. The Court is satisfied that Mr. Woodall's failure to prosecute
2 this case for over one year and his failure to file an amended complaint demonstrates his
3 lack of willingness to continue with the lawsuit.

4 Accordingly, IT IS HEREBY ORDERED THAT the Report and Recommendation
5 (dkt. no. 10) is ADOPTED.

6 IT IS FURTHER ORDERED THAT this case is DISMISSED WITH PREJUDICE.

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8 DATED THIS 2nd day of October 2012.

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12 UNITED STATES DISTRICT JUDGE
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